

## Sturminster Newton Neighbourhood Plan

### Responses from North Dorset District Council and Sturminster Newton Town Council to Questions from Terrence Kemmann-Lane, Examiner 2 July 2018

To: **The Examiner**

#### Introduction

North Dorset District Council and Sturminster Newton Town Council welcome the opportunity, set out in the box below, to provide joint responses to the matters that you raise. We are in agreement over each of the matters apart from one, EQ13 – Land adj the Bull Tavern, for which we have provided separate responses, as identified under that question. For ease of presentation our response(s) are in blue font at the end of each question.

Please note that whilst references are made in the responses to the revised National Planning Policy Framework, where it has been considered appropriate to do so, it is acknowledged that, as set out in paragraph 214 of that document, the policies in the previous Framework apply for the purpose of examining the Sturminster Newton Neighbourhood Plan.

To: North Dorset District Council and Sturminster Newton Town Council

#### Introduction

I refer to the comprehensive comments made in the response by North Dorset District Council (reference SN06-1) that include a number of comments that I can consider on the basis of the submitted documents. However, there are a number of matters that I need to explore further and which I set out below.

I consider that the most efficient way of dealing with this is to ask the District Council and the Town Council to work together, providing a joint response where possible. Where there is no agreement between the two councils, I ask that each sets out its response to me separately.

I set out below (in italics) the relevant sections of SN06-1 on which I would like responses, together with my comments. I use the details given in the first three columns of the NDDC document SN06-1 to identify the matters (in bold italics).

**1. PDF page 17; Plan page 10; Para/Section/Policy: Text Box**

*The Housing–Aims box includes a statement that identifies the intention of the reserve sites is to cater for future local needs. This aim is noted, however, LPP1 Policy 2 sets out that SN is a main focus for growth and, as discussed later in this response, NDDC does have concerns that the NP is not providing for the most up to date level of housing need available at the time of its preparation (2015 SHMA) which for SN under the adopted local plan strategy comprises both strategic and local needs growth. As such it is considered that this aim might not be achievable.*

**EQ1:** Please seek agreement on this issue and provide me with any suggested change(s) to the NP.

**JOINT RESPONSE:** The Town Council is of the view that the reserve sites identified should only cater for future local needs. The approach regarding the identification of the reserve sites, and the basis for their release, has been developed following a significant amount of public consultation over a number of years. The District Council notes the views of the Town Council regarding this matter.

Please also see the response to EQ2 in respect of the issue above.

**SUGGESTED CHANGE:** No change required.

**2. PDF page 34/38; Plan page 27-31; Para/Section/Policy: Section 4.3**

*It is noted that, following NDDC's Regulation 14 comment regarding the PPG requirement to take account of the latest and most up to date evidence of housing need (Paragraph: 040 Reference ID: 41-040-20160211), the SN Housing Needs paper has been updated to refer to the 2015 SHMA and suggests what might be a pro rata increased housing figure for SN, being around 457 dwellings. This figure however is not explicitly identified in the NP itself, the LPP1 figure of a minimum of 395 continuing to be referred to. (For information, NDDC are currently using the figure published by the Government in the consultation on a standardised method for calculating housing need for the Local Plan Review. This is higher than that in the 2015 SHMA.)*

*It is noted that in para 4.3.2 the two proposed reserve sites appear to be linked to the need for additional housing, resulting from new housing needs evidence in the Local Plan Review, and that together these could provide around 90 dwellings. However, para 4.3.4 sets out that the reserve housing sites are intended to cater for growth beyond 2031, Policy 7 stating 'The release of the reserve sites should be phased appropriately through the Local Plan Review, and only brought forward ahead of the end of the plan period if monitoring shows their early delivery is essential.' Para 4.3.4 sets out the scenarios engendering their early release. The first is that '...one or more of the strategic sites in SN is not deliverable within the plan period (and the minimum target of 395 homes would not then be achieved without the release of a reserve site)'. The second is that there is a significant shortfall in housing land supply across North Dorset District, triggering the national policy of a presumption in favour of sustainable development. These both present issues, the first because by using the minimum target of 395, the latest and most up to date evidence of housing need is not being taken account of, and the second because it adds nothing to what is*

*already set out in national policy. It is considered that releasing either or both of the reserve sites to accommodate an increase in the level of SN's share of identified up to date strategic housing need before the end of the plan period would not accord with these scenarios, either individually or collectively.*

*As previously advised, it is also noted that whilst individual assessments of some of the proposed sites and other potential sites are included in Appendix 1 to the Pre-Submission SEA document, only cursory assessments against the SEA objectives have been undertaken of the sites that are based on housing growth areas already included in LPP1 and the proposed 'infill' sites. The District Council considers that there needs to be detailed assessments of all sites in order to establish their deliverability. In addition, the neighbourhood plan SEA should not be relying on the sustainability appraisal of LPP1 Policy 19 as that policy is a strategic policy covering a wide range of topics and whilst housing growth areas are identified, these are not specific allocations.*

**EQ2:** Please seek agreement on this issue and provide me with any suggested change(s) to the NP. In responding to this request, it would be helpful to have responses to the objections and comments made by Gladman Developments Ltd (SN02), Hall & Woodhouse Ltd (SN03), and Wyatt Homes. In respect of Wyatt Homes and the land south and east of Elm Close, please deal with the objection made by Mr David Wingate (SN08-1).

**JOINT RESPONSE:** In terms of the point about housing numbers, the Town Council considers that the references in the neighbourhood plan to the 395 figure (that being the 'at least' figure (up to 2031) referred to for Sturminster Newton in the LPP1) should be retained and not replaced by the housing need figure of around 457 dwellings referred to in the Sturminster Newton Housing Needs Background Paper. The Town Council considers that the matter of housing numbers, including the number at Sturminster Newton, is a strategic policy issue that should be considered by the District Council as part of its ongoing Local Plan Review.

The District Council notes the Town Council's view and can confirm that the matter of housing numbers, including the approximate scale of housing development at Sturminster Newton, and the future spatial strategy for the District is being considered as part of the Local Plan Review.

Further to the above, it should be noted that the plan (when taking into account the reserve sites identified) identifies sufficient land to meet the need figure of around 457 dwellings referred to in the Sturminster Newton Housing Needs Background Paper.

Turning to the matter of the proposed reserve sites, as previously stated the Town Council is of the view that the reserve sites identified should only cater for future local needs. In terms of the release of the reserve sites paragraph 4.3.4 of the neighbourhood plan sets out the scenarios engendering their early release. The first is that '...one or more of the strategic sites in SN is not deliverable within the plan period (and the minimum target of 395 homes would not then be achieved without the release of a reserve site)'. As previously stated, and for reasons already set out, the Town Council considers that the references in the neighbourhood plan to the 395 figure should be retained and not replaced by the housing need figure of around 457

dwellings. In terms of the second scenario the Town Council consider that for reasons of clarity, in respect of the early release of the reserve sites, there should continue to be reference to national policy. The District Council and the Town Council consider that the existing wording relating to the second scenario should be deleted and replaced with the following text:

*‘one or more of the provisions set out in paragraph 14 of the revised NPPF do not apply’.*

With regards to Appendix 1 to the Pre-submission SEA, the District Council has given further consideration to the need for detailed assessments of all sites in order to establish their deliverability. Ideally detailed assessments should have been undertaken. However, following discussions with the Town Council the District Council is satisfied that there is unlikely to be significant problems in terms of deliverability. Additionally, the deliverability of sites is a matter that will be considered again as part of the Local Plan Review.

Further to the above, in terms of the neighbourhood plan SEA relying on the SA of the LPP1 Policy 19, the District Council considers that, ideally, the relevant policies in the neighbourhood plan should have been subject to their own individual assessment in the neighbourhood plan SEA. Nevertheless, whilst the Town Council acknowledges that Policy 19 in LPP1 is a strategic policy that considers issues other than housing, the appraisal that was carried out as part of the sustainability appraisal of LPP1 considered the housing growth areas on which the allocations are based. The appraisal also took into account the fact that the growth areas would play a significant role in meeting the requirement for at least 395 dwellings at Sturminster Newton during the period 2011-2031.

**SUGGESTED CHANGE:** Delete the second bullet point under paragraph 4.3.4 (i.e. the second scenario) and replace with:

*‘one or more of the provisions set out in paragraph 14 of the revised NPPF do not apply’.*

#### **COMMENTS ON RESPONDENTS’ SUBMISSIONS:**

GLADMAN DEVELOPMENTS LTD (SN02) - In its response Gladman Developments Ltd ‘suggest that wording of Policy 7 and its supporting text should explicitly state that the figures of 395 and 414 (+90) are not intended as a cap on development, and, should it become evident that further growth is needed, the plan is supportive of sustainable development opportunities in addition to the identified allocated and reserve sites.’ As previously referred to, and for the reasons already set out, the Town Council considers that the neighbourhood plan should refer to the 395 figure.

In terms of Policy 7 the first sentence of the policy refers to the fact that the plan makes provision for in excess of 395 new homes. On this basis the Town Council considers it to be clear that the 395 figure is not intended to be a cap on development. Furthermore, the Town Council considers that the wording of Policy 7 is in general conformity with the strategic policies of LPP1, in particular Policy 6 in LPP1 that states that at least 395 homes will be provided at Sturminster Newton between 2011 and 2031.

With regards to deliverability, in paragraph 4.3.12 of its response Gladman Developments Ltd set out that it is aware that one or more sites proposed for allocation have been in the pipeline for several years, and are still to deliver any homes. The Town Council is of the view that there are unlikely to be significant problems in terms of deliverability. Additionally, as previously referred to, the deliverability of sites, including those based on housing growth areas identified in LPP1, is a matter that will be considered again as part of the Local Plan Review.

Turning to paragraph 4.3.13 of its response, Gladman Developments Ltd refer to the fact that Policy 7 states that green field sites outside the settlement boundary, other than allocated or reserved sites, should not be released for development. Gladman Developments Ltd question the ability of the neighbourhood plan to predetermine decisions that ought to be taken at the strategic level through the emerging Local Plan review process. Gladman Developments Ltd state that further housing sites, over and above those presently identified in the neighbourhood plan, may be required to meet North Dorset's strategic development needs.

The Town Council considers that the use of the word 'should' rather than 'must' in Policy 7 does not strictly preclude, in certain particular circumstances, further housing sites, beyond those identified in the neighbourhood plan, coming forward to meet North Dorset's strategic development needs. However, clearly the neighbourhood's plan aim is to steer development to those sites (allocated sites and reserve sites) identified in the plan.

Further to the above it should be noted that the content of the neighbourhood plan, including Policy 7, would not prevent the District Council allocating further land for residential development at Sturminster Newton as part of its Local Plan Review process. Nevertheless, it is of note that paragraph 11.1.12 of the neighbourhood plan refers to points that could usefully be considered through the review of the Local Plan. One of these being that 'the limited potential for long-term growth may justify amending the status of the town as a main location for meeting strategic growth, and the appropriate phasing or triggers for the release of the 'reserve sites' in this context.' The issue of the potential for growth at Sturminster Newton over the long term and the role that the town could play in meeting the future strategic growth needs of the District will be considered by the District Council as part of the Local Plan Review.

In terms of its comments on the SEA, that accompanies the submitted version of the plan, Gladman Developments Ltd express concerns regarding the assessment of reasonable alternatives and suggest it is not clear why some sites have been rejected. Gladman Developments Ltd go on to state 'If sites to the East of Sturminster have been rejected on landscape grounds this would conflict with Policy 31 of the SNP which recognises the development potential of the area, subject to appropriate design and mitigation measures. Gladman suggest it may, therefore, be appropriate to revisit the assessment of reasonable alternatives prior to submitting the SNP for independent examination to avoid the risk of the plan failing to meet basic condition (f).'

In terms of the assessment of reasonable alternatives the Town Council considers that it is clear why possible development sites have been rejected. Pages 27-28 (PDF Pages 29-30) of the Sturminster Newton Neighbourhood Plan Strategic Environmental Assessment Pre-Submission Stage Environmental Report (October

2016) set out findings in respect of the assessment of alternative sites located outside of the settlement boundary at Sturminster Newton. In addition Section 4 of the Sturminster Newton Neighbourhood Plan Strategic Environmental Assessment Submission Stage Addendum (May 2017) provides further commentary regarding the consideration of reasonable alternatives.

Gladman Developments Ltd go on to state 'If sites to the East of Sturminster have been rejected on landscape grounds this would conflict with Policy 31 of the SNP which recognises the development potential of the area, subject to appropriate design and mitigation measures.' The Town Council notes these comments. However, paragraph 8.2.2 of the neighbourhood plan clearly details that the land which Gladman Developments Ltd has an interest in is inappropriate for development. Part of paragraph 8.2.2 of the plan states 'Land east of Manston Road is considered unsuitable for further development, particularly because the topography makes it difficult for landscaping to soften the visual impact of building in extensive wider views.'

HALL & WOODHOUSE LTD (SN03) - The Town Council acknowledges the support from Hall & Woodhouse Ltd in respect of Policy 7. Please see the response to EQ3 below regarding comments raised by Hall & Woodhouse Ltd in terms of the settlement boundary proposed in the neighbourhood plan.

WYATT HOMES (SN09) - Wyatt Homes suggest that Policy 7 and its supporting text should be amended to identify reserve sites as firm allocations in the neighbourhood plan for delivery within the current plan period. As previously set out, and for the reasons already detailed, the Town Council considers that the reserve sites should be retained as reserve sites and only released within the plan period on the basis of one or both of the scenarios in paragraph 4.3.4 of the plan being applicable.

Further to the above Wyatt Homes make comments regarding Policy 32 and suggest a number of modifications. The point regarding the reserve site east of Elm Close being identified as a firm allocation has already been addressed. With regards to the reference at the end of Policy 32 to areas affected by odours, the Town Council notes Wyatt Homes view that the matter is addressed in Policy 24 of the emerging Bournemouth, Dorset and Poole Waste Plan. Nevertheless, the Waste Plan is still at examination and therefore there is no guarantee at this stage that the plan will be adopted and become part of the development plan. Additionally, the policy referred could be subject to modification or deleted. In any case the Town Council considers it worthwhile to reference the areas affected by odours from the sewage treatment works in Policy 32 of the plan to ensure that this matter is fully considered when working up a proposal/layout for the site. Given the amount of supporting text there is potential that the matter of odour from the sewage treatment works could be overlooked if it was only referred to in the supporting text.

Please see response to EQ3 below in respect of comments made by Wyatt Homes in relation to the settlement boundary proposed in the neighbourhood plan.

MR DAVID WINGATE (SN08) - The Town Council notes the concerns of Mr Wingate in respect of the land to the south and east of Elm Close. However, based on the findings of the SEA work undertaken and the evidence that supports the plan, the Town Council considers that there is no principle reason why the land should not be identified for possible future development. A large number of matters raised by Mr

Wingate, for example access, privacy of occupiers of existing properties, highway safety, biodiversity and access to services and facilities are addressed in Policy 32 and will be considered when assessing a possible future planning application relating to residential development on the site.

**3. PDF page 36; Plan page 29; Para/Section/Policy: Map 5**

*Allocated sites should be located within the settlement boundary. Whilst the housing growth areas identified in LPP1 are not within the settlement boundary, this is because they are just growth areas and not allocations.*

**EQ3:** Please seek agreement on this issue and provide me with any suggested change to the NP. Also provide responses to the objections and comments made by Gladman Developments Ltd (SN02), Hall & Woodhouse Ltd (SN03) and Wyatt Homes.

**JOINT RESPONSE:** Whilst noting that standard practice is to include allocations located on the edge of a settlement within the settlement boundary for that settlement, the Town Council wishes to ensure that such sites continue to benefit from the protection afforded by countryside policies until such time as they are built out. Although preferring the standard practice to be applied for the sake of consistency and clarity, the District Council acknowledges the Town Council's point of view. In doing so the District Council confirms that whether or not these allocations are included within the settlement boundary does not impact on the provision of affordable housing, LPP1 Policy 8 (Affordable Housing) requiring 25% of the total number of dwellings at Sturminster Newton for developments both within its settlement boundary and any urban extensions to the town.

**SUGGESTED CHANGE:** No change required.

**COMMENTS ON RESPONDENTS' SUBMISSIONS:**

GLADMAN DEVELOPMENTS LTD (SN02) - The view held in paragraph 4.3.14 regarding the use of settlement boundaries is noted but not agreed with. The use of settlement boundaries aligns with the plan-led approach in national policy and guidance which seeks a controlled approach to growth.

HALL AND WOODHOUSE LTD (SN03) – Please see TC and DC responses to EQ 13.

WYATT HOMES (SN09) – The comments made by Wyatt Homes regarding extending the settlement boundary are noted. However, for the reasons already set out, the Town Council considers that the settlement boundary should not be amended to include sites allocated for development on the edge of the existing settlement.

**4. PDF page 39; Plan page 32; Para/Section/Policy: Policy 9**

*LPP1 Policy 8, which reflects national policy, sets out that developments of 11 dwellings or more will contribute to the provision of affordable housing. Evidence is needed to support the case for reducing the threshold to 10 or more at SN.*

**EQ4:** Please seek agreement on this issue and provide me with any suggested change to the NP.

**JOINT RESPONSE:** The reference to the figure of '10' in Policy 9 is a drafting error.

**SUGGESTED CHANGE:** Replace the figure of '10' with '11' in Policy 9.

**5. PDF page 41; Plan page 34; Para/Section/Policy: Policy 10**

*The text in brackets seems to be referring to the community use as opposed to the building/land, which the first part of the sentence is referring to, and so does not make sense when read in the context of the sentence as a whole.*

**EQ5:** Whilst I could make a change to the text myself, it is preferable that I be provided with a proposed change.

**JOINT RESPONSE:** Please see the suggested change below agreed by the Town Council and District Council.

**SUGGESTED CHANGE:** Amend the second sentence of Policy 10 to read:

*'These should be retained, and allowed to modernise and adapt, to ~~continue~~ enable the community facility they provide to meet the community's needs (either in their current location or through suitable alternative provision in the Neighbourhood Plan area).'*

**6. PDF page 43; Plan page 37; Para/Section/Policy: Policy 11**

*Table 6 sets out that in respect of equipped play areas, the main priority is to provide for older children, advising that the toddler play areas in the newer housing areas do not appear to be well-used, suggesting that the generic FiT standard may not be appropriate at SN. The SN Community Assets Review states 'Toddler play areas appear to be underprovided against the District Council standards, but this was not highlighted as a key concern through the Neighbourhood Plan consultation, and a focus on the larger multi-age play areas is therefore proposed'. NDDC is concerned at the quality of the evidence that has led to what can be interpreted as toddler play areas not needing to be provided on new developments as it appears to be reliant on responses to the NP consultation exercise not highlighting that the provision of toddler play areas being underprovided, although no specific question appears to have been included asking for views on play spaces, and a generic questionnaire to community service providers enquiring about capacity at their facility. In respect of the first source, it is noted that, where the information is available, very few respondents to the consultation exercises were in the age groups that might be expected to have children of toddler age.*

**EQ6:** Please seek agreement on this issue and provide me with any suggested change to the NP.

**JOINT RESPONSE:** Please see the suggested changes below agreed by the Town Council and District Council.



**SUGGESTED CHANGES:** Amend paragraph 4.4.6 in the neighbourhood plan to read as follows:

*‘In support of the neighbourhood plan, work has been carried out to assess open space and recreation provision at Sturminster Newton. The following table sets out seeks to indicate, on the basis of the work carried out, whether the provision of public open spaces and recreation provision in Sturminster Newton meets, or falls short of, the standards suggested required in the 2016 North Dorset Local Plan Part 1 (2016) (the standards required in the Local Plan being the Fields in Trust (FiT) standards) and the main priorities for future provision in and around the town. These priorities are the basis of decisions to be taken under Policy 11 that follows.’*

Also, Table 6 ‘Open Space and Recreation Provision Priorities’ should be replaced by:

Type	Assessment	Main priorities and recommended standards of provision
<b>Playing pitches/ formal sports</b>	Less formal areas such as the War Memorial and Rixon Recreation Grounds provide opportunities alongside the football grounds off Honeymead Lane, but overall provision is below recommended space standards.	The main priority is to focus on improvements to the training and all weather football pitches used by the High School and Sturminster Newton United Football Club, for which contributions will be sought. See Policy 28 for more details of the proposals for this area.
<b>Parks, gardens and amenity green space</b>	The town lacks these areas when assessed against the FiT standards, particularly in the older areas. Even ‘double counting’ the two recreation grounds there is a shortfall. They do make a significant contribution to the new housing areas in the town (such as the North Fields open space).	Amenity green spaces should be provided at a level in line with the FiT standard. This should be part of a landscaping strategy and designed for informal play.
<b>Equipped play areas</b>	There are toddler play areas in the newer housing areas, but the evidence, supporting the plan, suggests existing provision of Local Areas of Play (LAPs), when considered against the FiT standard, is insufficient. The equipped play areas in the War Memorial Recreation Ground in the south of the town and Rixon in the north, aimed at children who can go out to play independently, are well-placed to serve most residents. There are currently no facilities aimed at older children and young people therefore the relevant FiT standards for this group are not being met. There are no multi-use games areas (MUGAs), however work has been completed on building a Skate Bowl on Rixon Recreation Ground.	In addition to maintaining and improving the play offer for all ages at appropriate locations, for which contributions will be sought at the equivalent FiT standards, a particular priority is to provide for older children (potentially in the education/leisure hub or within one of the main recreation areas)
<b>Publicly accessible natural green space</b>	The town appears reasonably well served with Butts Pond, the open space around the Mill and Town Bridge, but is still below the recommended standards.	The main priority is to maintain the existing sites and improve recreational trails around the edge of the town and linking to the countryside (see Policy 14). A further area of natural green space can also be provided within the Elm Close sites (see Policy 32),

		and Butts Pond LNR may be extended as part of the mitigation measures for the Market Fields site (see Policy 24). Where on-site or related offsite provision is not possible, contributions towards identified and costed projects will be sought.
<b>Allotments</b>	There is a shortfall and need for more allotments, against the current local standards – the standards suggest additional allotment land is needed for the existing population.	The larger development sites, and in particular land at Elm Close (see Policy 32), should provide the opportunity to deliver much needed allotments to achieve the required standards. Where not provided on-site, contributions will be sought.

Further to the suggested changes referred to above, for reasons of clarity the Town Council and the District Council consider that the first sentence in Policy 11 (Open space and recreation provision and standards in new housing development), should be revised to read as follows:

*Development proposals will be expected to make provision for outdoor sport and recreation in line with the standards of provision (those standards being the Fields in Trust (FiT) standards) and Neighbourhood Plan priorities set out in Table 6.'*

**7. PDF page 52; Plan page 45; Para/Section/Policy: MAP 11**

*Following the submission of the NP a Joint Retail and Commercial Leisure Study including the North Dorset District Council area has been published. This study includes an assessment of need for retail and commercial leisure development at SN, makes recommendations in respect of the town centre development opportunity sites identified in the NP and also recommendations for the definition of the town centre area (TCA), primary shopping area (PSA) and shopping frontages (SF).*

*In respect of the TCA the study considers that the proposed TCA in the NP is appropriate. However, the study recommends that separate Primary SFs and Secondary SFs are defined. The NP does not define a PSA, although to be in compliance with the NPPF, the study recommends a PSA is defined. These are each identified in Appendix 23 to the study. The study forms part of the evidence base in the review of the Local Plan but NDCC would suggest that consideration be given to its findings and recommendations in the examination of the NP.*

**EQ7:** Please seek agreement on this issue and provide me with any suggested change to the NP. Also comment on the need for any further consultation that might be necessary in respect of any change(s).

**JOINT RESPONSE:** The Town Council and District Council have discussed the recommendations presented in the North Dorset Joint Retail and Commercial Leisure

Study 2018. With regards to the recommendation that separate Primary and Secondary Shopping Frontages are defined, in light of the content of the revised NPPF it has been agreed that there should be no change to the proposal within the submitted neighbourhood plan. The matter of retail frontages will be re-assessed as part of the Local Plan Review. When carrying out the re-assessment the District Council will take into account the fact that the revised NPPF does not require the identification of primary and secondary shopping frontages.

With regards to a Primary Shopping Area, the Town Council acknowledges that the NPPF highlights the need to define one. However, both Councils agree that this matter can be dealt with as part of the Local Plan Review, subject to the neighbourhood plan stating this.

**SUGGESTED CHANGE:** Insert the following sentence to the end of paragraph 5.1.3:

*'The primary shopping area has not been defined in this neighbourhood plan, but it is intended that this will be defined as part of the Local Plan Review.'*

The Councils consider that further consultation is not required in respect of this minor amendment to the text of the plan.

**8. PDF page 53; Plan page 46; Para/Section/Policy: Policy 16**

*Subject to the adoption of the recommendations on shopping frontages in the Joint Retail and Commercial Leisure Study, this policy would need to be revised to reflect both the PSF and SSF, and the PSA.*

**EQ8:** Please explain the position with regard to the adoption of the recommendations on shopping frontages in the Joint Retail and Commercial Leisure Study referred to, seek agreement on this issue and provide me with any suggested change to the NP. In respect of this matter, please deal with the question of the possible need for consultation as referred to in EQ7 above.

**JOINT RESPONSE:** The Joint Retail and Commercial Leisure Study 2018 is part of the evidence base for the Local Plan Review. Its recommendations will inform the District Council's considerations regarding the possible definition of shopping frontages, etc, for the towns within the District's retail hierarchy. Such consideration will include an assessment of the frontages, etc, that had previously been defined through neighbourhood plans, thereby providing an opportunity to update the frontages, etc, if the recommendations of the joint study, together with monitoring, suggests that it would be appropriate to do so. As set out above the District Council's considerations will take into account the fact that the revised NPPF does not require the identification of primary and secondary shopping frontages.

**SUGGESTED CHANGE:** No change required.

Further consultation would not be required.

## **9. PDF page 64; Plan page 57; Para/Section/Policy: Policy 20**

### **Station Road**

*The Joint Retail and Commercial Leisure Study states: ‘... the land to the south of Station Road provides a strategic site in the heart of the town centre that would clearly help to “stitch together” the more traditional shops and services on Market Place/Market Cross, with The Exchange and Trailway Corridor. The Sturminster Newton Neighbourhood Plan (2016-2031) Submission Draft (Policy 20) updates and replaces the 2008 Design Brief previously prepared for the site. However, there are a number of potential barriers to redevelopment of the site that will need to be addressed as a priority; including the need to replace existing parking (120 spaces) on-site or elsewhere in the town, and dealing with the complex mix of landowners on the site. As the Neighbourhood Plan Submission Draft states, “...the timing of any scheme will depend on the plans, aspirations and cooperation of the various landowners, and the re-development of the area may not all happen at once” (paragraph 5.5.6). The Neighbourhood Plan Submission Draft also indicates that up to 1,250 sqm could be accommodated on the site facing on to a new and active Plaza. This scale of floorspace identified would more than meet the forecast need for 866 sqm net of new retail (convenience and comparison goods) over the plan period, along with the potential for new food and beverage (Class A3) uses. Any development of this site would also lend itself to new residential, office and other uses above the commercial uses at ground floor level. Finally, and notwithstanding the updated design brief and Policy 20 of the Neighbourhood Plan Submission Draft, we advise that a planning and development brief be prepared for the site to help facilitate its assembly and delivery over the plan period, and, critically, to undertake early testing of market interest and demand for the site for key end users.’*

**EQ9:** I am not clear whether all that is being suggested here is that the NP includes a reference to the need for a planning and development brief to be prepared. Please seek agreement on this issue and provide me with any suggested change to the NP. In doing so, please respond to the points made by Streeters Carpets and Beds Ltd (SN07-1).

**JOINT RESPONSE:** The extract from the Joint Retail and Commercial Leisure Study was included in the District Council’s response to make available the most up to date evidence relevant to Sturminster Newton town centre. It was considered that doing so would provide an opportunity for the advice within the study to be reflected in the neighbourhood plan, if it was considered appropriate to do so. The Town and District Councils are in agreement that development of the Station Road area would benefit from the preparation of a planning and development brief, as advised in the Study.

**SUGGESTED CHANGE:** Add the following standalone sentence to the end of Policy 20:

*‘Development of the Station Road area would benefit from the preparation of a planning and development brief.’*

## COMMENTS ON RESPONDENT SUBMISSIONS:

STREETERS CARPETS AND BEDS LTD (SN07-1) - With regard to the point made about consultation, the Town Council considers that the neighbourhood plan has been subject to extensive consultation as it has been developed. The consultation that has taken place is evidenced in the Consultation Statement submitted with the plan.

In respect of the other comments made, the Town Council notes these. In particular, the Town Council can advise that the redevelopment of the Station Road area is aspirational and any 'proposals' referred to only illustrative; if a scheme was to be put forward then it would be subject to full consultation, including with landowners and traders.

### **10. PDF page 65; Plan page 58; Para/Section/Policy: Policy 21**

#### **Market Hill site**

*The Joint Retail and Commercial Leisure Study states: '...we have reviewed the Market Hill site (Site 2), which is currently a temporary community garden maintained by the Town Council. We conclude that the site layout and configuration does not lend itself to new retail and/or commercial leisure use. In our judgement the optimum development option for the site would be for new residential uses; potentially retirement homes, although this would need to be subject to more detailed financial/market testing.'*

**EQ10:** At present I am not clear about what is being sought as far as a change to the NP is concerned. Please seek agreement on this issue and provide me with any suggested change to the NP.

**JOINT RESPONSE:** As previously outlined, the extract from the Joint Retail and Commercial Leisure Study was included in the District Council's response to make available the most up to date evidence relevant to Sturminster Newton town centre.

**SUGGESTED CHANGE:** No change required.

### **11. PDF page 66; Plan page 59; Para/Section/Policy: Policy 22**

#### **Clarkes Yard site and other land at the Bath Road/Old Market Hill junction**

*The Joint Retail and Commercial Leisure Study states: 'In our judgement the site incorporating the Clarkes Yard area and land at Bath Road/Old Market Hill junction (Site 3), at the western end of Railway Gardens, also has the potential to accommodate a range of different uses. It could, for example, accommodate a larger format retail unit, ideally with direct frontage on to Bath Road, and access, servicing and parking to the rear. Another option for the site could be for 100% residential, or for a mixed use scheme with residential above ground floor uses; again with frontage on to Bath Road. A further option, as identified by the Neighbourhood Plan Submission Draft (Policy 22), could be for public parking to replace any parking that may potentially be lost from redevelopment of the Station Road site. The site area could also be extended to include the police station and library, although these uses*

would either need to be retained on-site, or re-provided elsewhere in the town centre. Finally, we advise that careful thought needs to be given to the route of the Trailway, as the route currently shown on Figure 3 of the Submission Draft could effectively blight the redevelopment of the site and undermine its overall viability. For this reason we advise that a planning and development brief be prepared for the site to help inform and guide its redevelopment and the optimum, most viable uses.'

**EQ11:** As in EQ9 above, is the planning and development brief being suggested as a post-NP document, being merely referred to in the NP as being necessary? Please seek agreement on this issue and provide me with any suggested change to the NP.

**JOINT RESPONSE:** As previously outlined, the extract from the Joint Retail and Commercial Leisure Study was included in the District Council's response to make available the most up to date evidence relevant to Sturminster Newton town centre. The Town and District Councils are in agreement that development of the Clarkes Yard area and land at Bath Road/Old Market Hill junction area would benefit from the preparation of a planning and development brief, as advised in the Study.

**SUGGESTED CHANGE:** Add the following standalone sentence to the end of Policy 22:

*'Development of Area 6 on Map 10 would benefit from the preparation of a planning and development brief.'*

## **12. PDF page 107; Plan page 100; Para/Section/Policy: Policy 38**

*It is noted that the first criterion in Policy 38 of the NP allows for a 'hotel/catering primarily aimed at business users' on Land at North Dorset Business Park. Policy 11 (Economy) in LPP1 does not allow for a hotel/catering. Consequently, it is considered that there is a tension between Policy 11 in LPP1 and Policy 38 in the NP.*

**EQ12:** Please seek agreement on this issue and provide me with any suggested change to the NP.

**JOINT RESPONSE:** The Town Council acknowledges the tension between Policy 38 in the neighbourhood plan and LPP1 Policy 11 in respect of potential hotel/catering use at the North Dorset Business Park.

**SUGGESTED CHANGE:** Amend the 1<sup>st</sup> bullet point of Policy 38 as follows:

*'the primary use falls within B1/B2/B8 type use or is for education/training facilities, ancillary retail of bulky goods and other uses whose main focus is business support'*

## **13. PDF page 109; Plan page 102; Para/Section/Policy: Policy 39**

### **Land adjoining the Bull Tavern**

*This allocation is not supported. Whilst Newton is included within the settlement boundary for Sturminster Newton, as advised in para 1.12 of the NDDC [Issue 10 Hearing Statement](#) during the examination into LPP1, NDDC considers that development in or adjoining the village of Newton to the south of the River Stour*

*is inappropriate on the basis of poor access to local services and facilities which are located in the town centre but which are not easily accessible for pedestrians due to severance issues caused by the main road (A357). This position is being maintained for the Local Plan Review with the 'Areas of Search' to the south of Newton and between Glue Hill and the A357 being rejected from having development potential in the Issues and Options document due in part to poor accessibility to the local services and facilities situated within the town centre.*

*More specifically, proposals for development on this site have been considered several times over the last few years. In addition to its proposed allocation in the NP, the site has also been the subject of pre-app PRE/2016/0292/PREAPP. In both instances, NDDC's response has been consistent and robust in that it is considered that residential development on this site would be detrimental to this important key open space and to affect the special character and interest of the neighbouring heritage assets and their setting. The site is currently under consideration for development under planning application 2/2017/1912/OUT the details of which and consultation comments, including detailed heritage comments, can be viewed [here](#).*

*In general, for enabling development to be supported there needs to be evidence that a listed building is physically 'At Risk' in any way now or in the future. Such evidence has not been provided in the case of the Bull Tavern, neither have any discussions, test applications or documentation been presented to the LPA to provide any justification for such a type of scheme. The policy also makes no reference to avoiding harm to heritage assets or below ground archaeology either, which are all relevant.*

**EQ13:** Please seek agreement on this issue and provide me with any suggested change to the NP. The response should also deal with the issues raised in the objection by Hall & Woodhouse Ltd. Please incorporate a response to the points made by Mr David Stuart, Historic Places Adviser, (SN10).

**The Town and District Councils have been unable to agree on this issue and therefore separate responses are provided as follows:**

**TOWN COUNCIL RESPONSE:** The Town Council acknowledges the objections raised by Historic England and the concerns raised by North Dorset District Council. However, the Town Council remains of the view that the Sturminster Newton Neighbourhood Plan should retain the land allocation outlined in the proposed policy 39. The Town Council believes that enabling the development of the land adjoining the Bull Tavern is essential to ensure the long term viability and maintenance of the listed public house.

The Town Council remains of the view that sites allocated for development should remain outside the settlement boundary until such time as they are built out.

**TOWN COUNCIL'S SUGGESTED CHANGE:** No change required

**DISTRICT COUNCIL RESPONSE:** NDDC acknowledges that the Bull Tavern is valued as a community asset and also notes the issues that have been raised by the owner that are considered to impact upon the viability of the business, and which have led to the allocation of the land by the Town Council for 'enabling development'

to secure the long-term viability and maintenance of the public house. The District Council therefore fully appreciates the intention behind the inclusion of Policy 39. NDDC also acknowledges that the plan identifies the sensitivity of the allocation site, including due to its location in the conservation area and between the listed public house and other historic buildings.

NDDC, however, wishes to reiterate the importance of the contribution the land makes to the character of the conservation area and the significant harm to both that heritage asset and that of the listed public house which would result from the development proposed through the allocation. Indeed, NDDC considers that the very fact that the land, together with the adjacent cemetery, is designated in the adopted local plan as 'Important Open or Wooded Area' to be protected from development<sup>1</sup> is an indication of the significant contribution it specifically makes to the character of the area.

As Historic England and NDDC have each identified in their representations to the neighbourhood plan, evidence is required to justify the level of significant harm to the heritage assets and demonstrate that the proposed development, the 'enabling development', is necessary – and, as Historic England states, the only way - to ensure the delivery of public benefits, i.e. securing the future of the Bull Tavern. However, such evidence, as is specifically required under paragraphs 133 – 135 of the NPPF (2012) and in general terms under Planning Practice Guidance paragraph 040 Reference ID: 41-040-20160211, has not been submitted in support of the neighbourhood plan. It should be noted that Table 4 'Housing Allocations' of the neighbourhood plan gives an indicative capacity for the site of 10, meaning that affordable housing would not be required to be provided under the adopted Local Plan Part One Policy 8: Affordable Housing.

As stated earlier, it is appreciated that the Bull Tavern is a valued community asset and that concerns exist about securing its future. To this end, as outlined in Historic England's representation it is considered that there is potentially scope for ancillary development to the public house, so designed that it would not cause undue harm to the conservation area or the setting of the Bull itself, such a level of harm being offset by the public benefits.

The District Council's view, therefore, is that such development proposals, simply to support the viability of the listed Bull Tavern and as such limited in scale and operationally linked to the public house, can adequately be assessed under neighbourhood plan Policy 10: Important Community Buildings and Associated Land (subject to any proposed modifications) in conjunction with national and local policies that protect the historic environment. In this respect Policy 10 identifies the Bull Tavern to be of 'critical' importance to the social well-being of the community and establishes the principle that it should be retained and allowed to modernise and adapt, whilst the matter of harm to heritage assets and justification for enabling development would be appropriately assessed under LPP1 Policy 5: The Historic Environment and Section 16 of the revised NPPF.

In addition to the significant concerns that the District Council has in respect of the harm to the heritage assets that would result from the allocation, NDDC also reiterates that development at Newton is inappropriate due to the distance to local

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<sup>1</sup> 'Saved' Policy 1.9 of North Dorset District-Wide Local Plan



services and facilities which are located in the town centre at Sturminster but which are not easily accessible for pedestrians due to severance issues caused by the A357.

It is interesting to note that, in respect of Newton, paragraph 10.1.3 of the neighbourhood plan says: 'However, its status as a settlement could usefully be reconsidered as part of the Local Plan Review if it is not an appropriate location for the town's future growth.' This statement appears to suggest that there is recognition of the differing role Newton has to Sturminster, and the very fact that Policy 39 states that the allocation is for enabling development to secure the future of the Bull Tavern, clearly indicates that the site is not suitable for speculative development, which the development proposed by the allocation cannot primarily be considered as anything else other than.

For the above reasons the District Council considers that Policy 39 – Land adjoining the Bull Tavern should be deleted. It should also be noted to do so would not prevent housing needs at Sturminster Newton being met.

**DISTRICT COUNCIL'S SUGGESTED CHANGE:** Delete Policy 39 (Land adjoining the Bull Tavern), supporting text from paragraphs 10.5.7 to 10.5.12 inclusive and Figure 10. Amend the text accordingly throughout the plan.

#### **DISTRICT COUNCIL'S COMMENTS ON RESPONDENTS' SUBMISSIONS:**

HALL & WOODHOUSE LTD (SN03-1) – Hall & Woodhouse Ltd has submitted one objection to the neighbourhood plan under section 6 of its representation and this is in respect of the deletion of the settlement boundary to exclude land the subject of Policy 39 (Land adjoining the Bull Tavern). The District Council considers that its suggested deletion of the allocation renders the objection invalid.

However, irrespective of the fact that NDDC considers the allocation should be deleted, and despite the District Council's stated preference for allocations to be included in the settlement boundary, in this instance it considers that excluding the site from the settlement boundary until built out would be the correct approach, the allocation of the land being specifically for enabling development to support the Bull Tavern.

NDDC also wishes to comment on paragraph 6.2 of H&W's representation which refers to the Bull and adjacent land being included in the existing local plan settlement boundary, and so, in principle, are subject to the policies relating to development in the four main towns. In this respect the District Council considers it important to note that the land adjacent to the Bull Tavern, together with the cemetery, is designated an Important Open or Wooded Area and under saved policy 1.9 of the 2003 North Dorset District – Wide Local Plan is therefore protected from development. As referred to earlier, the IOWA designation reaffirms the important contribution the land adjoining the Bull Tavern makes to the character of the conservation area and the village of Newton as a whole.

HISTORIC ENGLAND (SN10-01) – Historic England's comments, made by David Stuart, are acknowledged and the deletion of Policy 39 is suggested by the District Council. The alternative suggestion that the policy be reworked to simply highlight

the desirability of ensuring the future of the Bull Tavern, etc, is considered unnecessary for the reasons outlined in the District Council's response above.

**14. PDF page 110; Plan page 103; Para/Section/Policy: Policy 40**

**Land adjoining Barton Farmhouse**

*Whilst Newton is included within the wider Sturminster Newton settlement boundary Local Plan boundary, as advised in para 1.12 of the NDDC [Issue 10 Hearing Statement](#) during the examination into Local Plan Part One, NDDC considers that development in or adjoining the village of Newton to the south of the River Stour is inappropriate on the basis of poor access to local services and facilities which are located in the town centre but which are not easily accessible for pedestrians due to severance issues caused by the main road (A357). This position is being maintained for the Local Plan Review with the 'Areas of Search' to the south of Newton and between Glue Hill and the A357 being rejected from having development potential in the Issues and Options document due in part to poor accessibility to the local services and facilities situated within the town centre.*

*If the Examiner considers that the proposed allocation is appropriate, it is suggested that the 2<sup>nd</sup> bullet point is amended as follows: 'additional native planting to retain the semi-rural character of this section of road.'*

**EQ14:** Please seek agreement on the paragraph 15.1 issue and provide me with any suggested change to the NP.

**JOINT RESPONSE:** In principle the District Council considers that residential development at Newton is inappropriate due to poor access to the services and facilities at Sturminster. However, given the need for housing and the site's proximity to the North Dorset Business Park employment area the District Council agrees that a sensitively designed housing scheme can be supported at this particular site, subject to the additional planting being identified as 'native'.

**SUGGESTED CHANGE:** Amend the 2<sup>nd</sup> bullet point of Policy 40 as follows:

*'the frontage onto the A357 retains the existing mature trees and includes additional native planting to retain the semi-rural character of this section of road'*

**15. PDF page 115; Plan page 107; Para/Section/Policy: Paragraph 12.1.1**

*Given, amongst other things, current uncertainty regarding future national legislation/policy in respect of the Community Infrastructure Levy (CIL) NDDC does not currently intend on adopting or implementing a CIL Charging Schedule. In the interim, Section 106 agreements will continue to be used in order to make acceptable development which would otherwise be unacceptable in planning terms.*

**EQ15:** Please seek agreement on a suggested change to the NP.

**JOINT RESPONSE:** The Town Council acknowledges the present status regarding the adoption and implementation of a CIL Charging Schedule for North Dorset. In

turn, the District Council acknowledges the Town Council's frustration at not having direct responsibility for funding to support the identified local infrastructure projects.

**SUGGESTED CHANGE:** Delete existing paragraphs 12.1.1 and 12.1.2 in the plan and replace with the paragraph below to reflect the current position regarding CIL/planning obligations.

*'Although a Community Infrastructure Levy (CIL) Charging Schedule for North Dorset has been subject to examination, and the examiner who examined the Charging Schedule concluded it is an appropriate basis on which the District Council could introduce CIL, the District Council has not adopted and implemented the Charging Schedule. Consequently, the District Council continues to make use of planning obligations<sup>2</sup>, in line with the tests set out in the CIL regulations<sup>3</sup> and repeated in paragraph 56 of the revised NPPF, in terms of securing contributions in respect of proposals for new development. To this end any monies collected will be spent on infrastructure and other qualifying projects at Sturminster Newton. It is anticipated that CIL will be reviewed at an appropriate time by the new Dorset unitary authority.'*

**EQ16:** In addition to the matters dealt with above, please respond to the various issues raised by Gladman Developments Ltd SN02, Hall & Woodhouse Ltd (SN03) and Wyatt Homes (SN09), to the extent that they have not been dealt with in previous responses.

**JOINT RESPONSE:** The Town Council considers that the key points raised by Gladman Developments Ltd (SN02), Hall & Woodhouse Ltd (SN03) and Wyatt Homes (SN09) have been dealt with in the previous responses above.

**EQ17:** In addition to the above, please let me have a response to the objections and observations made by Dorset County Council (SN01).

#### **JOINT RESPONSE TO DCC SUBMISSIONS:**

DORSET COUNTY COUNCIL (SN01-1) – The Town Council notes the points raised by Dorset County Council (Flood Risk Management) in respect of the benefit that would result from a general policy being inserted into the plan against which development proposals and flood risk or mitigation could be assessed. However, the Town Council considers that there is no need to duplicate national or local policies that deal with flood risk, and there are no specific local issues which would suggest a need for a more bespoke policy in the neighbourhood plan. Section 4.1 of the neighbourhood plan makes clear that the plan should be read in conjunction with national policy and local policy (set out in LPP1).

DORSET COUNTY COUNCIL (SN01-2) – The Town Council notes the suggestion that the submitted plan does not appear to have taken on board comments made by Dorset County Council (Natural Environment) as part of the consultation on the pre-submission version of the plan. As set out in the Consultation Statement a number of changes have been made to the plan in light of comments made by Dorset County Council at the pre-submission consultation stage; for example, with regards to the

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<sup>2</sup> Under section 106 of the Town and Country Planning Act 1990

<sup>3</sup> Regulation 122(2) of the Community Infrastructure Levy Regulations 2010

issues of 'biodiversity gain' and referring to the Dorset Biodiversity Protocol, the Consultation Statement details that a number of policies, and their supporting text, have been amended to take account of the principle of 'biodiversity gain' and what is set out in the Dorset Biodiversity Protocol. Within the plan specific references are also made to the Dorset Biodiversity Protocol. However, it is now considered that further changes could appropriately be made to address Dorset County Council (Natural Environment)'s concerns.

**SUGGESTED CHANGE:** Relevant policies and supporting text be amended to reflect the concerns surrounding biodiversity outlined by Dorset County Council (Natural Environment) in its representation SN01-2.

DORSET COUNTY COUNCIL (SN01-3) – Matters relating to Policy 10, including suggested re-wording, have been considered above. The Town Council does not consider that any further changes to the policy are needed to address the concerns expressed by Dorset County Council (Property). In exceptional specific circumstances an exception to the policy could be made by the decision maker on the basis of taking into account material considerations.